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OFFICE OF PETITIONS

In re Application of	:	
Michael SPIEGAL	:	
Application No. 10/801,168	:	DECISION ON PETITION
Filed: March 12, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. LDP-8080 CIP	:	37 C.F.R. § 1.102(d)
	:	

This is a decision on the petition under 37 CFR 1.102(d), filed on January 20, 2006, to make the above-identified application special based on applicants who are small entities filing biotechnology applications as set forth in M.P.E.P. § 708.02, Section XII.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(d) and MPEP § 708.02, Section XII: Special Status for Applications Relating to Biotechnology Filed by Applicants Who are Small Entities, must be accompanied by (1) the petition fee under 37 CFR 1.17(h); and (2) state:

(A) That small entity status has been established or include a statement establishing small entity status;

(B) That the subject of the patent application is a major asset of the small entity; and

(C) That the development of the technology will be significantly impaired if examination of the patent application is delayed, including an explanation of the basis for making the statement.

To be granted special status, the application must be related to the field of Biotechnology.

The instant petition fails to meet the requirements set forth above for special status because it is not a biotechnical invention. Biotechnology is the industrial use of recombinant DNA, cell diffusion and novel bioprocessing techniques.

Further correspondence with respect to this matter should be addressed as follows:

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By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to David Bucci at 571-272-7099.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3731 for action on the merits commensurate with this decision.


David Bucci
Petitions Examiner
Office of Petitions